

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK

ALVIN PETERSON,

Plaintiff,

vs

9:03-CV-1226

STEVE LACY, Lieutenant, S.W. HALEY, Senior
Counselor, IRENE WRAY, General Industrial
Training Supervisor, R.W. SANTOR, Deputy
Superintendent Program Services, NORMA
PERYEA, ITS, II, DALE ARTUS, Superintendent,
Each of NYS Department of Correctional Services,
Clinton Correctional Facility; JOHN H. NUTTALL,
Acting Deputy Commissioner, Program Services,
NYS Dept. of Correctional Services; and GLENN
S. GOORD, Commissioner, NYS Department of
Correctional Services,

Defendants.

APPEARANCES:

OF COUNSEL:

ALVIN PETERSON
Plaintiff, Pro Se
01-A-1554
Downstate Correctional Facility
Box F
Fishkill, NY 12524

HON. ELIOT SPITZER
Attorney General of the
State of New York
Attorney for Defendants
Department of Law
The Capitol
Albany, New York 12224

JAMES SEAMAN, ESQ.
Asst. Attorney General

DAVID N. HURD
United States District Judge

DECISION and ORDER

Plaintiff, Alvin Peterson, brought this civil rights action pursuant to 42 U.S.C. § 1983. By Report-Recommendation dated January 26, 2006, the Honorable Randolph F. Treece, United States Magistrate Judge, recommended that defendants' motion to dismiss pursuant to Fed. R. Civ. P. 41(b) be granted and the action be dismissed. No objections to the Report-Recommendation have been filed. It is noted that the recommendation for dismissal is on the basis of the plaintiff's continued failure to keep the court apprised of his current address. Indeed, it is further noted that the very report recommendation that recommends dismissal was returned for lack of a current address for the plaintiff.

Therefore, based upon a careful review of the entire file and the recommendations of Magistrate Judge Homer, the Report-Recommendation is accepted and adopted in whole. See 28 U.S.C. 636(b)(1).

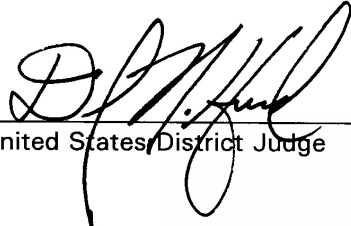
Accordingly, it is

ORDERED that the

1. Defendants' motion to dismiss is GRANTED; and
2. The action is DISMISSED in its entirety.

The Clerk is directed to enter judgment accordingly.

IT IS SO ORDERED.


United States District Judge

Dated: February 27, 2006
Utica, New York.